

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

_____	)	
JACQUES HEDGPETH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 06-0336
	)	
ARCHSTONE SMITH COMMUNITY,	)	
LLC, <u>et al.</u> ,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

This matter comes before the Court on Defendant Archstone Smith Community, LLC's (Archstone) Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiff alleges that he was injured on February 23, 2004, while making a delivery to 5275 Leesburg Pike, Falls Church, Virginia (the Property). Specifically, Plaintiff alleges that when he tried to use an elevator at the Property, the elevator suddenly fell several floors, injuring Plaintiff. Plaintiff further alleges that Archstone, the purported manager of the Property, is responsible for Plaintiff's injuries due to its negligent maintenance of the elevator.

Archstone, however, argues that it is not the manager of the Property and has no interest, legal or otherwise, in the Property. Archstone has presented the Court with a copy of the deed to the Property, which shows that CESC Seven Skyline Place,

LLC has owned the Property since 1998. In addition, Archstone has presented the Court with a Declaration from its Claims Manager that it has never had any legal interest in the Property and has no interest in CESC Seven Skyline Place, LLC. Plaintiff has failed to challenge the proffered evidence or oppose Archstone's Motion to Dismiss. Therefore, it appearing to the Court that Archstone has no legal interest in the Property, it is hereby

ORDERED that Defendant Archstone's Motion to Dismiss is GRANTED.

/s/

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CLAUDE M. HILTON  
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia  
April 21, 2006